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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/948,530 10/09/97 MILOSLAVSKY

A P3253

LM12/0520

EXAMINER

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VII, H

ART UNIT

PAPER NUMBER

2733

DATE MAILED:

05/20/99

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No. 08/948,530	Applicant(s) Miloslavski
	Examiner Huy D. Vu	Group Art Unit 2733

Responsive to communication(s) filed on Mar 11, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claims

Claim(s) 1-13 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-13 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## **DETAILED ACTION**

### ***Claim Rejections - 35 U.S.C. § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler et al (of record) view of Chin (of record) and Anderson (USP 5,757,904).

Regarding claims 1 and 5, Kubler teaches a call center (Internet providers 6333) or 63105, figure 63) comprising a first processor (any server/router in Internet providers 6333) or 630-5) connected to a wide area network WAN (Internet 6315) and a second processor (Internet provider 6307) also connected to the WAN (Internet 6315). The first processor (any server/router in Internet 6333 or 6305) is adapted to receive and distribute Internet telephone calls. Kubler differs from the claims in that Kubler does not explicitly show a plurality of computers having displays and being coupled to the first processor (any server/router in Internet providers 63133) or 6305). However, it would be obvious to one skilled in the art that the Internet provider would have more than one computer having display and being coupled to a server/router of the Internet provider so as to enable an operator /administrator to operate/administer the server/router. Kubler further differs from the claims in that Kubler fails to teach that the server/router of the Internet provider is adapted to monitor

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activity of the call center (Internet provider) to process the activity information and to communicate the processed information to a second processor (server/router) elsewhere in the WAN (the Internet). However, Chin teaches a configuration in which a router/hub (106, 118) monitors, processes (see the storing and maintaining of statistics of communications in the router) and routes the activity information to a second processor (network management station 108) (see step 206 in figure 2). This mechanism facilitates and enhances network management by enabling remote network monitoring of routers. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Chin's above teaching of monitoring, processing and route activity information to a second processor by a router In Kubler's system with the motivation being to facilitate network management by enabling remote network monitoring of routers. Kubler in view of Chin still differs from the claims in that Kubler in view of Chin does not teach the monitoring of activity at the call center on a transaction by transaction basis. However, such feature is taught by Anderson. Specifically, Anderson teaches the monitoring of activity at the call center on a transaction by transaction basis (see col. 10, lines 10-57). This monitoring enables the system to improve customer service. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Anderson's teaching of monitoring of activity at the call center on a transaction by transaction basis in the system of Kubler in view of Chin with the motivation being to improve customer service.

Regarding claim 2, since TCP/IP is a well-standardized protocol for reliable communication in the Internet which is a wide area network, it would have been obvious to one skilled in the art at the time the invention was made to apply TCP/IP protocol in communicating the activity information

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from the first processor (router 106 or 108) to the second processor in WAN 100 with the motivation being to use a well-standardized protocol for reliable communications in the WAN.

Regarding claim 3, Chin teaches that the first processor (router 106) and a plurality of computers (110, 112 and 114) are connected to a LAN (102). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Chin's above teaching, in Kubler's system so as to connect the computers of the operators at the Internet provider and the router/server to a LAN with the motivation being to enable local connections between the computer and the router and to easily manage the network of local computers and the router/server.

Regarding claim 4, since the Internet provider has customers to whom it provides Internet accesses, it would have been obvious to one skilled in the art at the time invention was made to have a server for running a database that stores the data (e.g., customers' user ID, passwords, billing addresses. etc.) associated with the customers with the motivation being to enable managing functions associated with the customers of the Internet provider.

4. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kubler (of record) in view of Otto(of record) and Anderson (USP 5,757,904).

Regarding claims 11- 12, Kubler teaches an Internet routing server (6333) adapted to route Internet telephony call. Kubler differs from the claims in that Kubler does not teach that the Internet routing server (6333) is adapted to select destinations for routing calls based on stored information about transactions at remote call centers. However, Otto teaches that a call center (call center A)

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selects a destination for routing calls based on information about transactions at remote call center call center (B, C and D) (see figures I and 8, col. 8, lines 24-311 ). Specifically, a call center only selects and routes a call to a destination center if the destination call center does not have to many calls, i.e., not in a congested state. Otto further teaches MIS 15 (database) at the call center for sending and receiving information regarding loads (information about transaction) of the call center to and from other MIS' in other call centers (see col. 5. lines 43-51). This mechanism helps to reduce call congestions at the call centers and improve call processing. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Otto's teaching, of selecting destinations based on information about transactions at remote call centers in Kubler's Internet provider with the motivation being to reduce call congestions at the call centers and improve call processing. Kubler in view of Otto still differs from the claims in that Kubler in view of Otto does not teach the monitoring of activity at the call center on a transaction by transaction basis. However, such feature is taught by Anderson. Specifically, Anderson teaches the monitoring of activity at the call center on a transaction by transaction basis (see col. 10, lines 10-57). This monitoring enables the system to improve customer service. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Anderson's teaching of monitoring of activity at the call center on a transaction by transaction basis in the system of Kubler in view of Otto with the motivation being to improve customer service.

Regarding claim 13. Kubler teaches an Internet routing server (6333) for receiving incoming IPNT calls and routing of IPNT calls. Kubler differs from the claims in that Kubler does not teach that

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the Internet routing server (6333) is adapted to select destinations for routing calls based on stored information about transactions at remote call centers. However. Otto teaches that a call center (call center A) selects a destination for routing calls based on information about transactions at remote call centers (call centers B, C and D) (see figures 1 and 8, col. 8, lines 24-31 ). Specifically, a call center only selects and routes a call to a destination call center if the destination call center does not have too many calls, i.e.. not in a congested state. Otto further teaches MIS 15 (database) at the call center for collecting, processing and sending information regarding loads (information about transaction) of the call center to other MIS' in other call centers (see col. 5, lines 43-51 ). This mechanism helps to reduce call congestions at the call centers and improve call processing. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Otto's teaching of selecting destinations based on information about transactions at remote call centers in Kubler's Internet provider with the motivation being to reduce call congestions at the call centers and improve call processing.

3. Claims 6-10 are rejected under 35 U.S.C. I 03(a) as being unpatentable over Kubler in view of Otto, Arango and Anderson (USP 5,757,904)..

Regarding claims 6-7 and 10. Kubler teaches a system comprising initial call-processing system (6333) adapted for receiving calls from customers over a WAN (PSTN) and including processor (any server/router in Internet providers 6333) adapted to route the IPNT call to selected

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destinations. Kubler's system also includes a second call center (6305) remote from the call processing system (6333). Kubler differs from the claims in that Kubler does not teach a second processor in the second call center that performs the monitoring, processing and communicating of activity information in the second call center to the first processor of the initial call center and that the first processor uses the activity information to select destinations and route the incoming IPNT calls. However, Otto teaches that an initial call center (call center A) which selects a destination for routing calls based on information about transactions at remote call centers (call centers B, C and D) (See figure 1 and 8, col. 8, lines 24-31). Specifically, a call center only selects and routes a call to a destination call center if the destination call center does not have too many calls, i.e.. not in a congested state. Otto further teaches that each call center has a processor (15 or 16) for performing the monitoring, processing and communicating of activity in the call center to remote call centers (see col. 5, lines 43-51 ). This mechanism helps to reduce call congestions at the call centers and improve call processing. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Otto's teaching of selecting destinations based on activity information at remote call centers in Kubler's Internet provider with the motivation being to reduce call congestions at the call centers and improve call processing. Kubler still differs from the claims in that Kubler does not explicitly teach a processor in the call center (Internet provider 6333) that routes calls to individual ones of computer platforms. However, such structure is taught by Arango. Specifically, Arango teaches an access point/Internet provider (access point 220 in figure 6) that comprises a processor (access server 4 in figure 1 or access server 222 in figure 6) which routes calls to individual ones of

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computer platforms (routers 13 & 14 in figure 1 or routers 224 and 226 in figure 6). This structure enables the access point/ Internet provider to correctly routes the call to the proper destinations (figure I ) or to provide guaranteed bandwidth/delivery (figure 6). Thus. it would have been obvious to one skilled in the art at the time the invention was made to apply Arango's structure of using a processor (access server) in an access point, Internet provider to route calls to individual ones of computer platforms (routers) in Kubler's Internet provider with the motivation being to enable correct routing of calls and/or to provide guaranteed bandwidth/delivery. Kubler in view of Otto and Arango still differs from the claims in that Kubler in view of Otto and Arango does not teach the monitoring of activity at the call center on a transaction by transaction basis. However, such feature is taught by Anderson. Specifically, Anderson teaches the monitoring of activity at the call center on a transaction by transaction basis (see col. 10, lines 10-57). This monitoring enables the system to improve customer service. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Anderson's teaching of monitoring of activity at the call center on a transaction by transaction basis in the system of Kubler in view of Otto and Arango with the motivation being to improve customer service.

Regarding claim 8. Arango's structure includes a LAN (225) for connecting the processor and the computer platforms.

Regarding claim 9, since the Internet provider has customers to whom it provides Internet accesses, it would have been obvious to one skilled in the art at the time the invention was made to have a server for running a database that stores the data (e.g.. customers' user ID's, passwords, billing

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addresses, etc.) associated with the customers with the motivation being to enable managing functions associated with the customers of the Internet provider.

4. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. **Any response to this final action should be mailed to:**

**Box AF**

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**or faxed to:**

(703) 308-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

**Or:**

(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Vu whose telephone number is (703) 308-6602. The examiner can normally be reached on Tuesday - Friday from 8:00 a.m. to 5:30 p.m. The examiner can also be reached on alternate Wednesdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703) 305-4729.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



**HUY D. VU  
PRIMARY EXAMINER**